

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:) CASE NO.: 23-13868-AMC
)
Winona Chan Dam,)
)
Debtor) CHAPTER 13

**OBJECTION OF BMW BANK OF NORTH AMERICA
TO CONFIRMATION OF DEBTOR'S PROPOSED PLAN**

BMW Bank of North America ("BMW")¹, by and through its attorneys, Lavin, Cedrone, Graver, Boyd & DiSipio, files **Objection to Confirmation of Debtor's Proposed Plan** and states:

1. On March 14, 2023, Debtor Winona Chan Dam, entered into a Retail Installment Sales Contract in the principal amount of \$10,073.47 (the "Contract") that referred and related to the purchase of a 2017 BMW 3 Series Sedan 4D 320xi AWD 2.0L I4 Turbo, V.I.N. WBA8E5G3XHNU45293 (the "Motor Vehicle").
2. BMWF is the assignee of the Contract.
3. To secure the Contract, Debtor Winona Chan Dam granted a first lien on the Motor Vehicle in favor of BMWF.
4. On December 22, 2023, Debtor filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code.
5. On February 01, 2024, Debtor filed a Proposed Plan (the "Plan").
6. The Chapter 13 Trustee has scheduled a Meeting of Creditors for April 05, 2024.
7. The plan lists the amount of the claim at \$8,880.00 at 10.00% interest.
8. Pursuant to 11 U.S.C. §1325, a vehicle purchased within 910 days preceding the date of the filing of the petition, and collateral for that debt consists of a motor vehicle acquired for personal use of the Debtor, said claim shall not be valued under 11 U.S.C. §506. In the case at hand, the Vehicle was purchased on March 14, 2023 is a purchase money security interest, and is used for Debtor's personal use. Therefore BMWF asserts its claim should be allowed as fully secured.

9. As of the December 22, 2023, the balance on BMW Bank of North America Total claim was \$12,078.30.
10. BMW Bank of North America is entitled to a secured claim of \$12,078.30 at 10.00%.
11. For the foregoing reasons, BMWF objects to confirmation of the Plan.

WHEREFORE **BMW Bank of North America**, respectfully requests this Honorable Court to deny confirmation of the Plan.

Respectfully submitted,

Lavin, Cedrone, Graver, Boyd & DiSipio

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